

CHAPTER 20

CRIMINAL LAW AND PROCEDURE

SENATE BILL 18-050

BY SENATOR(S) Smallwood, Aguilar, Baumgardner, Cooke, Court, Crowder, Donovan, Fields, Gardner, Holbert, Jahn, Jones, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Sonnenberg, Tate, Todd, Williams A., Zenzinger, Grantham;
also REPRESENTATIVE(S) Coleman and Catlin, Arndt, Becker K., Buckner, Covarrubias, Esgar, Exum, Ginal, Hamner, Hansen, Herod, Hooton, Humphrey, Jackson, Kennedy, Kraft-Tharp, Lawrence, Lebsock, Lee, Lewis, Lontine, McLachlan, Melton, Michaelson Jenet, Neville P., Rankin, Ransom, Reyher, Roberts, Rosenthal, Valdez, Williams D., Wilson, Winter, Wist, Young, Duran.

AN ACT

CONCERNING INCLUDING STAFF OF FREE-STANDING EMERGENCY FACILITIES AS PART OF COLORADO'S SAFE HAVEN LAWS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-6-401, **amend** (9) as follows:

18-6-401. Child abuse - definition. (9) (a) If a parent is charged with permitting a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section, and the child was seventy-two hours old or younger at the time of the alleged offense, it is an affirmative defense to the charge that the parent safely, reasonably, and knowingly handed the child over to a firefighter, as defined in section 18-3-201 (1.5), or to a ~~hospital~~ staff member who engages in the admission, care, or treatment of ~~patients~~, PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION (9)(b) OF THIS SECTION, ~~when the firefighter is at a fire station, or the hospital staff member is at a hospital~~ STAFF MEMBER IS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION (9)(b) OF THIS SECTION.

(b) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(I)(B) THAT:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) DELIVERS EMERGENCY SERVICES; AND

(II) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, EXCEPT IF LOCATED IN A RURAL OR FRONTIER AREA THAT DOES NOT HAVE THE DEMAND TO SUPPORT TWENTY-FOUR-HOUR SERVICE OR ONLY OPERATES EACH YEAR DURING A SPECIFIED TIME PERIOD DUE TO SEASONAL POPULATION INFLUX.

SECTION 2. In Colorado Revised Statutes, 19-1-115, **amend** (7)(b) as follows:

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement. (7) Reasonable efforts are not required to prevent the child's removal from the home or to reunify the child and the family in the following circumstances:

(b) When the parental rights of the parent with respect to a sibling of the child have been involuntarily terminated; unless the prior sibling termination resulted from a parent delivering a child to a firefighter or a ~~hospital~~ staff member OF A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SECTION 19-3-304.5 (9), pursuant to the provisions of section 19-3-304.5; or

SECTION 3. In Colorado Revised Statutes, 19-3-304.5, **amend** (1) introductory portion, (2) introductory portion, (3), and (4.5); and **add** (9) as follows:

19-3-304.5. Emergency possession of certain abandoned children - definition.

(1) If a parent voluntarily delivers a child to a firefighter, as defined in section 18-3-201 (1.5), ~~C.R.S.~~, or a ~~hospital~~ staff member who engages in the admission, care, or treatment of ~~patients~~; PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION (9) OF THIS SECTION, when the firefighter is at a fire station or the ~~hospital~~ staff member is at a hospital OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION (9) OF THIS SECTION, the firefighter or ~~hospital~~ staff member OF THE HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER shall, without a court order, take temporary physical custody of the child if:

(2) If a firefighter or ~~hospital~~ staff member OF A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER takes temporary physical custody of a child pursuant to subsection (1) of this section, the firefighter or ~~hospital~~ staff member shall:

(3) A firefighter or ~~hospital~~ staff member OF A HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER shall incur no civil or criminal liability for any good faith acts or omissions performed pursuant to this section.

(4.5) Any document prepared by a firefighter, ~~member~~ of a hospital OR COMMUNITY CLINIC EMERGENCY CENTER staff MEMBER, or a law enforcement officer pursuant to this section ~~shall be~~ IS a dependency and neglect record and ~~shall be~~ IS subject to the confidentiality provisions of section 19-1-307.

(9) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(I)(B) THAT:

(a) DELIVERS EMERGENCY SERVICES; AND

(b) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, EXCEPT IF LOCATED IN A RURAL OR FRONTIER AREA THAT DOES NOT HAVE THE DEMAND TO SUPPORT TWENTY-FOUR-HOUR SERVICE OR ONLY OPERATES EACH YEAR DURING A SPECIFIED TIME PERIOD DUE TO SEASONAL POPULATION INFLUX.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 7, 2018